

U.S. Patent Appln. No. 09/676,545  
Amendment Dated Feb. 1, 2006  
Reply to Office Action of Nov. 1, 2005  
Docket No. 6169-140

IBM Docket No. BOC9-1999-0082

### REMARKS/ARGUMENTS

These remarks are submitted in response to the office action dated November 1, 2005 (Office Action). As this response is timely filed within the 3-month shortened statutory period, no fee is believed due.

Claims 1-9 and 17-18 are pending. Claims 1-9 and 17-18 were rejected in the Office Action under 35 U.S.C. § 103(a) as being anticipated by U.S. Patent No. 6,496,981 to Wistendahl, *et al.* (hereinafter Wistendahl) in view of U.S. Patent No. 5,442,390 to Hooper, *et al.* (hereinafter Hooper).

Applicants have amended independent Claims 1 and 17, as well as dependent Claims 2 and 18, to further emphasize certain aspects of the invention. The claim amendments are fully supported throughout the Specification. (See, e.g., p. 10, lines 20-25; p. 11, line 20 – p. 12, line 6; and p. 12, lines 15-24.) No new matter has been introduced by virtue of the claim amendments presented herein.

### Applicants' Invention

It may be helpful, initially, to reiterate certain features of Applicant's invention. The invention allows system users to receive delivered media across a network in a client device through a communications link to a media-on-demand server (MODS) regardless of the particular properties of the client device or specific characteristics of the communications link. The MODS can deliver media to the client device in a format consonant with the properties of the client device. The properties can include a device type, acceptable media format, and communications link's speed and reliability. Applicants' invention enables the user to interrupt the delivery of the delivered media to a client device session in a client device and, then, to seamlessly resume the delivery of the delivered media. With resumed delivery, the media can be delivered to a different client device. Moreover, the user can cause the resumption of delivery via a different device

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regardless of the timing of the resumption of the delivery or the properties of the client device through which the user receives the resumed delivery.

One embodiment of the invention, typified by independent Claim 1, as amended, is a method for providing configurable access to media in a media-on-demand system. The method can include delivering the media to a first client device through a first communications link, wherein the media is configured in a format compatible with identified device properties of the first client device. The first client device can be associated with a specific user.

The method further can include recording a bookmark, which specifies a position in the media, and delivering the media to a second client device through a second communications link beginning at the position specified by the recorded bookmark. Moreover, with the resumption of delivery of the media to the second client device, the media can be configured in a format compatible with identified device properties of the second client device. The second client device can be associated with the same user.

*The Claims, As Amended, Define Over The Prior Art*

Independent Claims 1 and 17, as noted above, were rejected as unpatentable over Wistendahl in view of Hooper. Applicants respectfully submit, however, that neither Wistendahl nor Hooper teaches or suggests every feature recited in the claims, as amended.

Wistendahl is directed to a system that allows existing media content to be used as "an interactive media program." (See Abstract) A stated aim of Wistendahl is to obviate the need for embedded linking codes, or "anchors," that are conventionally supplied manually and that are required with conventional hyperlinking tools. (See Col. 1, lines 41-44, and Col. 2, lines 1-3.)

Wistendahl does not teach or suggest, however, the resumption of delivery of media in a second device at a position specified by a recorded bookmark, let alone that

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the media is delivered to the second device in a second format configured to be compatible with identified properties of the second device after a prior portion of the media has already been delivered to a first device configured in a first format compatible with identified device properties of the first device. In particular, Wistendahl fails to teach or suggest that delivery of media configured in a first format delivered to a first device can be resumed at a second device configured in a second format, and that the delivery of differently configured media can be resumed at the second device where delivery left off with the first device. The lack of such a teaching or suggestion is underscored in portions of the reference cited in the Office Action:

"A basic concept of [Wistendahl] is the mapping of objects in digital media presentations as "hot spots" without embedding any special codes in the original digital media content. This is accomplished by specifying the display location coordinates of selected objects within a frame or series of frames of a display and their frame addresses. The display location coordinates and frame addresses of the "hot spots" are stored as data that are physically or at least logically separate from the media content. This allows the original media content to be accessed and run on any system without having to handle proprietary or platform-dependent codes. The coordinate/address data of the "hot spots" are preferably in a standard format that can be accessed by any interactive digital media (IDM) program written to run with that media presentation. When the media content is played with the IDM program, a user can select "hot spots" appearing in the display to trigger further developments. The IDM program responds to user selection of "hot spots" by launching further layers of display presentations and/or triggering other program functions, such as launching another application, initiating the operation of another system, or connecting to an

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external network such as a World Wide Web<sup>TM</sup>. page or service on the Internet." (Col. 5, lines 25-50.)

This portion of the reference summarizes the underlying mechanism by which Wistendahl creates and allows a user to select "hot spots" in a video segment, the user's selection launching "layers of display presentation" or triggering program functions for presenting the hot spots at desired points. However, even though Wistendahl's mechanism is stated to be applicable to "any system," nothing about the mechanism teaches or suggests delivery of content in one system followed by subsequent delivery of the same media to a different system, wherein the media is delivered in two different configurations that are configured, respectively, for the different systems.

Moreover, when the reference refers to "VCR-like controls," Wistendahl is not describing separate devices for receiving the same content configured in different, device-specific formats. Instead, Wistendahl is merely describing the mechanism by which a user interacts with media using "hot spot" position data:

"When media content is rendered interactive with an IDM program using "hot spot" position data, it may be desirable to stop, pause, rewind, or otherwise control the playback with familiar VCR-like controls to allow the user time to interact with the program, such as for reading information, making choices, inputting information, following a hyperlink from the hot spot, or saving a marked hot spot for later review. VCR-like controls have been developed for use with most types of multimedia systems. For example, in video-on-demand or media-on-demand systems, "streaming" content supplied in segments of digital data packets can be controlled with VCR-like controls by interrupting the content stream upon sending a command from the subscriber and rescheduling the sending of content

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segments as requested by the subscriber. Such video server scheduling techniques and handling of interactive requests from a video-on-demand network are described [in other patent references]. For multimedia systems in which streaming content is supplied locally from a CD-ROM or DVD player, such VCR-like functions are handled locally with suitable player controls." (Col. 16, line 67 - Col. 17, line 28.)

The explicit language of this portion of Wistendahl merely describes the desirability and manner of allowing a user to stop, pause, rewind, or otherwise control the playback of certain media content using VCR-like control functions. But a control function that mimics, or acts like, a VCR control is not equivalent to a VCR or even a VCR-like device. Accordingly, this portion can not be read as suggesting delivery of the same media to a different system, wherein the media is delivered in two different configurations that are configured, respectively, for the different systems. As throughout the reference, the cited language underscores that Wistendahl is exclusively directed to allowing media content to be used in an interactive fashion once the media has been delivered to a specific device. Nowhere, though, does Wistendahl teach or suggest delivery of the same content configured in different formats to different devices such that the delivery begins at one device and resumes at another, the media being configured in different formats depending on the device to which the media is delivered.

Applicants respectfully maintain that Hooper does not provide the features found to be lacking in Wistendahl. Hooper is directed to a system for interactively viewing videos, whereby "video is transmitted as a plurality of frames of digitized video data for playback on a viewing device." (Abstract; see also Col. 1, line 59 - Col. 2, line 17.) Hooper expressly states that video can be interactively viewed on different types of "viewing devices." (See, e.g., Col. 3, lines 47-49) But Hooper nowhere teaches or suggests a mechanism by which the media is delivered to one device configured in one

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format and then subsequently delivered to a different device configured in a different format so that the media can be perceived up to a desired point on the first device and then, from that same point, perceived on the different device. Specifically, Hooper fails to teach or suggest delivery of the same content configured in different formats to different devices such that the delivery begins at one device and resumes at another, the media being configured in different formats depending on the device to which it is delivered.

FIG. 3 of Hooper, cited in the Office Action, merely illustrates one type of "viewing device," namely a home television set. Although, different sets are shown in the figure, it is apparent that each device receives separate deliveries of media content independent of each of the other sets. Specifically, nothing in the figure or in the corresponding language of Hooper even remotely suggests that media is first delivered to one of the sets, stopped, and resumed at a different one of the sets. Moreover, since each device is of the same type, there is no basis to assume that the media content delivered to one of the sets is configured differently than the media content delivered to any of the other sets. The explicit language of Hooper cited in the Office Action does not imply such a nuanced mode of media delivery:

"The viewing device 12 can be, for example, a monitor, a television, a VCR, or data processing equipment such as a personal computer or a work-station. The video controller 13 for entering customer commands can be configured as a hand-held remote controller for communicating with the interface box 11 by using radio or infrared signals. Alternatively, the video controller 13 can be a telephone capable of generating audible tones by pressing the dialing buttons. The optional customer segment cache 14, which will be described in greater detail hereinafter, is for locally storing portions of videos received by the CPE 10." (Col. 3, lines 31-58.)

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Nothing in the quoted language suggests anything other than the fact that Hooper's interactive viewing can be implemented with different types of viewing devices. Nowhere is there the remotest suggestion of a resumption of delivery in a different device, wherein the media is configured in a different format compatible with the properties of the second device and wherein delivery is resumed from a point at which delivery to a first device configured in a first format ceased.

FIG. 12, also cited in the Office Action, does not even relate to different viewing devices, but rather describes one embodiment for implementing the "segment cache" that is part of Hooper's system for providing interactive viewing of received video at a single device. The language that accompanies the figure makes explicit the fact that none of the illustrated elements – not the segment cache, the interface box, the optional telephone, nor any other illustrated elements – are examples of different devices for receiving the same media content. (See Col. 14, lines 4-43.)

Hooper discloses a mechanism applicable to various types of viewing devices that enables a viewer to pause, resume, fast forward, and/or reverse received video. (See Col. 11, line 5 - Col. 12, line 51.) Nothing in Hooper's description of marking video segments with pointers that serve as identifiers, however, suggests anything comparable to the features of Applicants' invention. Specifically, Hooper's manner of marking video segments suggests nothing regarding delivering media to a first device in a first format and subsequently delivering the same media to a second device configured in a different format compatible with identified device properties of the second device such that the second delivery constitutes a resumption of interrupted media delivery to the first device based on a recorded bookmark.

Accordingly, neither Wistendahl nor Hooper, alone or in combination, teaches or suggests every feature recited in independent Claims 1 and 17, as amended. Applicants respectfully submit, therefore, that both amended claims define over the prior art.

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Applicants further respectfully submit that whereas the remaining dependent claims depend from the amended claims while reciting additional features, the dependent claims likewise define over the prior art.

**CONCLUSION**

Applicants believe that this application is now in full condition for allowance, which action is respectfully requested. The Applicants request that the Examiner call the undersigned if clarification is needed on any matter within this response, or if the Examiner believes a telephone interview would expedite the prosecution of the subject application to completion.

Respectfully submitted,

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